

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Fernando A. Settles,)
)
Petitioner,) Civil Action No. 0:14-342-RMG
)
vs.)
)
Kenny Atkinson, Warden,)
)
Respondent.) **ORDER**
)
)
)

This matter comes before the Court on a Report and Recommendation (“R & R”) from the Magistrate Judge recommending that this *pro se* habeas petition brought pursuant to 28 U.S.C. § 2241 by a federal prisoner be dismissed with prejudice because of a failure to prosecute. (Dkt. No. 25). Petitioner was twice warned by the Magistrate Judge that a failure to make a timely response to Respondent’s motion to dismiss would result in a recommendation that the case be dismissed with prejudice. (Dkt. Nos. 20, 22). Despite these clear warnings, Petitioner failed to respond to the Respondent’s motion to dismiss. Upon the issuance of the Magistrate Judge’s R & R, Petitioner was advised that any written objections to the R & R must be made within 14 days of the service of the R & R. (Dkt. No. 25 at 3). Plaintiff was further advised that in the absence of timely written objections this Court would provide limited “clear error” review and Plaintiff would waive his right to appeal the judgment of the District Court. (*Id.*). No timely written objections were made to the R & R.

The Court has reviewed the R & R, the full administrative record in this matter and the relevant legal authorities. The Court finds that the Magistrate Judge ably and properly

summarized the factual and legal issues and appropriately recommended that the action should be dismissed with prejudice for lack of prosecution. Therefore, the Court adopts the R & R as the order of this Court and hereby dismisses this action with prejudice.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Court

Charleston, South Carolina
October 1, 2014